

March 3, 1980

LB 798

for the overpayment, I mean he told something to the Claims Deputy which was wrong. He is not without fault under those circumstances. He is going to have to repay. The only time that he doesn't have to repay is if he can show that he was without fault, he was without fault in getting the overpayment and, secondly, it would be unfair at this juncture for him now to have to repay.

SENATOR MARESH: You say that present Social Security law doesn't make a person pay his payments back?

SENATOR JOHNSON: Yes, I just said that under the Social Security Act, a Social Security recipient has the very same privileges. He can mistakenly receive excess payments and if he can show that he was (a) without fault in getting that money and (b) it would be against equity or good conscience or (c) it would be contrary to the purposes of the Social Security Act for him to have to repay, then the overpayment can be waived and that is the present Social Security Act.

SENATOR MARESH: I am sure I oppose your amendment. I think that we are going right back to the federal government giving fuel bills to people in nursing homes and hospitals that don't use fuel and they say it would be too much of a bother to go through the record and determine who doesn't burn fuel and so we will just let them keep them. I think we would be doing the same thing here. We would just allow people to have any money they get.

SPEAKER MARVEL: The Chair would indicate that we can't make any progress if we carry on dialogues so let's please confine our remarks to questions of the people involved. Senator Murphy, you had your light on. We are dealing with the Johnson amendment to the committee amendments of LB 798.

SENATOR MURPHY: If I may, Mr. President, a question of Senator Johnson.

SPEAKER MARVEL: Senator Johnson, do you yield?

SENATOR JOHNSON: Of course.

SENATOR MURPHY: Senator Johnson, several years ago when Mr. Ford was President and Michigan was substantially unemployed the federal government in their supreme wisdom extended the conditions of payment. The immediate result among states was that we bankrupted almost immediately sixteen state treasuries, ultimately twenty. The federal government had to step in and fund them and I doubt that